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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,347	04/09/2001	Thomas M. Stephany	82284SLP	1341

7590

12/29/2005

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,347

Applicant(s)

STEPHANY ET AL.

Examiner

Yogesh K. Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 09/02/2005 have been fully considered but they are not persuasive.

Examiner's response:

2. Applicant argues regarding claim 12 that the statement in the office action stating "Segan teaches a rotatable template member (figure 1 : 16) for moving the first and second template member 56a, 56b relative to the two viewfinder taking lenses 12 and 14" is clearly wrong. The two-part template is manually inserted in front of viewfinder lens 11, while aperture plate 16 is rotated separately in front of one or the other of taking lenses 12, 14. The mechanisms are separate from each other and not mechanically linked. **The Examiner respectfully disagrees.** The claim recites "a rotatable template member for moving the first second, third, and fourth template **relative to the viewfinder...**". Moving a rotatable template member relative to the viewfinder is a very broad term and do not require the rotatable template member 16 to be mechanically linked to the taking lenses 12 and 14 or the viewfinder lens 11.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Stamper et al. (US Patent # 6,894,686).

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[Claim 1]

Stamper et al. teaches a method of generating a three-dimensional animation model, comprising providing an image capture device (figure 4 shows a camera 304 and a game machine with a display, also see figure 8 wherein the camera is integrated with the game machine), the image capture device having an image display (figure 4, TV 322); displaying a template in an image display (col. 7 line 60-col. 9 line 34, figure 10), capturing an image of a subject when the subject is framed by the template (figure 11), and generating a three-dimensional animation model by means of said image capture device using the captured image (col. 8 line 35-col. 9 line 30, figure 12 teach generation of a 3D model from the 2D image captured by a camera).

[Claim 2]

Stamper et al. teaches the steps of, prior to generating an animation model, displaying the captured image on the image display and verifying the alignment of the template with the captured image (col. 7 line 60-col. 9 line 34).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (US Patent # 6,061,532) in view of Stamper (US Patent # 6,894,686).

[Claim 3]

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Bell teaches a camera 12 (figure 4c) comprising a viewfinder 52 comprising an elongated transparent strip 60 on which is printed a sequence of pose graphics that correspond to the pose instructions and aid the consumer in setting up the poses of the star 20 (col. 3 lines 55-60) and is therefore read as first, second, third and fourth template, each template comprising an outline of a representative of a subject. Bell further teaches rotating the film 23 and pose strip 60 onto a common take up reel 62 wherein the pose strip and the film are correspondingly advanced to place each of the succession of printed poses in the viewfinder 52 to aid consumer in posing the star for each of the pictures as they are taken (col. 3 line 60-col. 4 line 3). Bell further teaches that images of the star 20 are manipulated after extraction by image editing software and body parts such as head, torso etc. are used to generate animation (col. 4 lines 30-35).

Bell fails to teach a three-dimension animation generation model using the captured image. However Stamper generates a three-dimensional animation model by means of said image capture device using the captured image (col. 8 line 35-col. 9 line 30, figure 12 teaches generation of a 3D model from the 2D image captured by a camera).

Therefore taking the combined teachings of Bell and Stamper, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have generated a three-dimensional model with using the captured image in order to have improved realism by enabling individuals to create animation that have features e.g., a facial image of the individual.

7. Claims 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamper (US Patent # 6,894,686) in view of Merrick et al. (US Patent # 6,433,784).

[Claim 4]

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Stamper et al. teaches a method of generating a three-dimensional animation model, comprising providing an image capture device (figure 4 shows a camera 304 and a game machine with a display, also see figure 8 wherein the camera is integrated with the game machine), the image capture device having an image display (figure 4, TV 322); displaying a template in an image display (col. 7 line 60-col. 9 line 34, figure 10), capturing an image of a subject when the subject is framed by the template (figure 11), and generating a three-dimensional animation model by means of said image capture device using the captured image (col. 8 line 35-col. 9 line 30, figure 12 teach generation of a 3D model from the 2D image captured by a camera). Stamper et al. also teaches several heads that are used to create animated game players and these heads may move from side to side and tilt up and down, so that the user may see head from different angles (col. 10 lines 51-65). It is noted that there would be different templates for different heads.

Stamper fails to teach generating an animation model by means of said image capture device using the captured first and second images.

However Merrick teaches different templates wherein the first template representative of a front view of a subject, the second template representative of a first side view of the subject, the third template representative of a back view of the subject, and the fourth template representative of a second side view of the subject being used for composite behavior generation (col. 8 lines 16-21, col. 12 lines 60-67, figures 1 and 3, col. 14 lines 1-7).

Therefore taking the combined teachings of Stamper and Merrick, it would have been obvious to one skilled in the art at the time of the invention to generated an animation model by means of said image capture device using the captured first and second images as taught in

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Merrick into the three-dimensional animation model of Stamper in order to provide an easy to use tool for preparing animated characters with minimal wait time and effort.

[Claim 5]

Stamper et al. teaches the steps of, prior to generating an animation model, displaying the captured image on the image display and verifying the alignment of the template with the captured image (col. 7 line 60-col. 9 line 34).

[Claim 6]

Stamper et al. teaches editing an animated 3D head by selecting a new 2D head (col. 11 lines 24-32).

[Claims 7 and 8]

Stamper et al. teaches a method of generating a three-dimensional animation model, comprising providing an image capture device (figure 4 shows a camera 304 and a game machine with a display, also see figure 8 wherein the camera is integrated with the game machine), the image capture device having an image display (figure 4, TV 322); displaying a template in an image display (col. 7 line 60-col. 9 line 34, figure 10), capturing an image of a subject when the subject is framed by the template (figure 11), and generating a three-dimensional animation model by means of said image capture device using the captured image (col. 8 line 35-col. 9 line 30, figure 12 teach generation of a 3D model from the 2D image captured by a camera). Stamper et al. also teaches several heads that are used to create animated game players and these heads may move from side to side and tilt up and down, so that the user may see head from different angles (col. 10 lines 51-65). It is noted that there would be different templates for different heads.

Stamper fails to teach second, third and fourth templates different from the first template wherein the first template representative of a front view of a subject, the second template representative of a first side view of the subject, the third template representative of a back view of the subject, and the fourth template representative of a second side view of the subject and generating an animation model by means of said image capture device using the captured first, second, third, and fourth images.

However Merrick teaches different templates wherein the first template representative of a front view of a subject, the second template representative of a first side view of the subject, the third template representative of a back view of the subject, and the fourth template representative of a second side view of the subject being used for composite behavior generation (col. 8 lines 16-21, col. 12 lines 60-67, figures 1 and 3, col. 14 lines 1-7).

Therefore taking the combined teachings of Stamper and Merrick, it would have been obvious to one skilled in the art at the time of the invention to have a second, third and fourth templates different from the first template being used for image alignment and then used for generating an image of composite behavior as taught in Merrick into the three-dimensional animation model of Stamper in order to provide an easy to use tool for preparing animated characters with minimal wait time and effort.

[Claim 9]

Stamper et al. teaches the steps of, prior to generating an animation model, displaying the captured image on the image display and verifying the alignment of the template with the captured image (col. 7 line 60-col. 9 line 34).

[Claim 10]

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Stamper discloses wherein the subject is a person and the outline is representative of a head of the person (figure 10).

[Claim 11]

Merrick teaches different types of templates (col. 12 lines 59-67, col. 13 lines 1-15) but suggests that other types of templates can be substituted in place of the ones suggested.

8. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segan et al. (US Patent # 5,708,883) in view of Merrick (US Patent # 6,433,784).

[Claim 12]

Segan et al. teaches that it is well known and used in the art to have a camera (figure 1: 10) having a viewfinder lens (figure 1: 11) and two taking lenses (figure 1: 12, 14). Segan further teaches a two-part reference alignment template 56a, 56b different from each other providing an outline through which the image seen in the camera's viewfinder lens 11 can be seen for more reliable alignment (col. 4 lines 11-20). Further w.r.t the limitation of a rotating member Segan teaches a rotatable template member (figure 1: 16) for moving the first and second template member 56a, 56b relative to the two viewfinder taking lenses 12 and 14.

Segan teaches a two-part reference alignment member but fails to teach third and fourth template comprising an outline representative of a predetermined position. However Merrick teaches different templates (col. 12 lines 59-67) being used for composite behavior generation (col. 14 lines 1-7). Therefore taking the combined teachings of Segan and Merrick, it would have been obvious to one skilled in the art at the time of the invention to have a second, third and fourth templates different from the first template and then used for generating an image of composite

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behavior as taught in Merrick in order to provide an easy to use tool for preparing animated characters with minimal wait time and effort.

[Claim 13]

Merrick et al. teaches a method of generating an animation model (col. 3 lines 58-63), comprising an image display and displaying different templates like first, second, third and fourth templates in the image display (col. 12 lines 60-67, col. 13 lines 1-15, figure 3) wherein the first template representative of a front view of a subject, the second template representative of a first side view of the subject, the third template representative of a back view of the subject, and the fourth template representative of a second side view of the subject and generating an animation model with animation preparation application (figure 1: 100) using pre-produced characters preferably produced to a template-gesture for gesture and stored in character database 135 (col. 8 lines 16-21, col. 12 lines 60-67, figures 1 and 3).

[Claim 14]

Merrick teaches different kinds of templates of a person and the outline for the template is representative of the head of the person like face front, face left, face rear left (col. 12 lines 60-67, col. 13 lines 1-15).

[Claim 15]

Merrick teaches different types of templates (col. 12 lines 59-67, col. 13 lines 1-15) but suggests that other types of templates can be substituted in place of the ones suggested.

9. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell (US Patent # 6,061,532) in view of Merrick et al. (US Patent # 6,433,784).

[Claim 16]

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Bell teaches a camera 12 (figure 4c) comprising a viewfinder 52 comprising a elongated transparent strip 60 on which is printed a sequence of pose graphics that correspond to the pose instructions and aid the consumer in setting up the poses of the star 20 (col. 3 lines 55-60) and is therefore read as first, second, third and fourth template, each template comprising outline of a representative of a subject. Bell further teaches rotating the film 23 and pose strip 60 onto a common take up reel 62 wherein the pose strip and the film are correspondingly advanced to place each of the succession of printed poses in the viewfinder 52 to aid consumer in posing the star for each of the pictures as they are taken (col. 3 line 60-col. 4 line 3). Bell further teaches that images of the star 20 are manipulated after extraction by image editing software and body parts such as head, torso etc. are used to generate animation (col. 4 lines 30-35).

Bell fails to teach a second template representative of a second side view of the subject and a third and fourth template representing back view and a second side view of the subject. However Merrick teaches different templates like face-front, face left and face rear-left (col. 12 lines 59-67) being used for composite behavior generation (col. 14 lines 1-7). Therefore taking the combined teachings of Bell and Merrick, it would have been obvious to one skilled in the art at the time of the invention to have a second, third and fourth templates different from the first template being used for image alignment and then used for generating an image of composite behavior as taught in Merrick in order to provide an easy to use tool for preparing animated characters with minimal wait time and effort.

[Claim 17]

Bell teaches a elongated transparent strip 60 (figure 4c) on which is printed a sequence of pose graphics that correspond to the pose instructions and aid the consumer in setting up the poses of

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the star 20 (col. 3 lines 55-60), which inherently requires some kind of attaching means for attaching the template member to an image capture device (camera 12).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA

December 26, 2005



TUAN HO
PRIMARY EXAMINER